

REMARKS

Reconsideration of the present application is respectfully requested. Claims 54 and 56 have been amended without adding any new matter. No claims have been added or cancelled. Thus, claims 33-36, 41-49, 54-57, and 59-71 remain pending.

Claims 33-36, 41-49, 54-57 and 59-71 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,259 of Anderson, et al. (hereinafter "Anderson"). The Applicants respectfully disagree because Anderson fails to teach or suggest each and every element of the invention claimed by the Applicants in claims 33-36, 41-49, 54-57 and 59-71.

Anderson describes a system where cameras are associated with an entity so that the entity camera pictures can be uploaded onto an entity specific website maintained by an online photo-sharing service (Anderson, Column 3, line 25 to Column 4, line 67; Abstract). Further, entity cameras can automatically establish an account with a photo-sharing service associated with camera identification information when pictures are transferred from the camera to the photo-sharing service (Anderson, Figure 4A, elements 116-120). Thus, each camera can establish a user account on a photo-sharing service based on user information that is stored in the camera's EEPROM, stored in the camera's flash memory, or based on a combination of the camera's serial number, camera's make number, and camera's model number (Anderson, Column 6, line 22 to Column 7, line 20).

With respect to claims 33-36 and 41-49, the Applicants claim:

- a Web site for hosting said digital images captured by the digital camera;

- a transport mechanism for uploading the digital images from the digital camera to a user account at the Web site, said user account being pre-provisioned for the digital camera;

a module for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account and thereafter providing on-line access to the digital images, without requiring a user to manually set up the user account and;

a provisioning information module that generates a unique device ID that is used by an accounting management module for associating the digital images with a particular cellular phone device used by the digital camera to upload digital images.

The Examiner asserted that Anderson discloses a “associating the digital images with a particular cellular phone device ... used by the digital camera to upload digital images” (Office Action, page 6 *citing* Anderson, Column 4, lines 47-67 and Column 10). The Applicants respectfully disagree. Anderson discloses that digital images uploaded to a photo-sharing service are associated with ID information of a camera (Anderson, Column 10, lines 15-37). Then after the user account is established for the specific camera, information for accessing the new user account is returned to the camera so that pictures uploaded to the service are thereafter associated with the specific camera (Anderson, Column 10, lines 37-53; Figure 4B). As such, each user account is associated with a single camera regardless of how the pictures are uploaded to the photo-sharing website.

The Applicants, however claim “associating the digital images with a particular cellular phone device used by the digital camera to upload digital image.” Anderson teaches away from using such a device ID, by specifying that the camera's data is used to generate an ID. Thus, in contrast with Anderson, claim 33 recites that a unique device ID of the cellular phone is used establish a user's account so that the user's digital images, regardless of the camera that is used to capture the images, are stored in the account associated with the cellular phone.

Therefore, the Applicants respectfully submit that Anderson fails to teach or suggest “associating the digital images with a particular cellular phone device used by the digital camera to upload digital image” as claimed by the Applicants in claims 33-36 and 41-49, and fails to anticipate claims 33-36 and 41-49 under 35 U.S.C. § 102 for at least the reasons discussed above. Thus, the Applicants respectfully request withdrawal of the rejections.

With respect to claims 54-58 and 60, the Applicants claim in part:

a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID of the transport mechanism, and thereafter providing on-line access to the user data, such that the user need not manually establish the user account at the Web site

Thus, as discussed above, the “unique device ID” is associated with the transport mechanism. As discussed above, Anderson teaches away from this. Anderson associates digital images uploaded to a photo-sharing website with unique device ID of the digital camera used to capture the images (Anderson, Column 10, lines 15-53). Therefore, Anderson fails to teach or suggest associating data uploaded to a website with the transport mechanism, as claimed in claims 54-58 and 60. Thus, claims 54-58 and 60 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.

With respect to claims 61 and 62, the Applicants claim a pre-provisioned user account for a user-operated device and associating data uploaded to a website with the unique ID of a peripheral device. As discussed above, Anderson merely teaches associating digital images uploaded to a photo-sharing service with a digital camera (Anderson, Abstract; Column 10; Figures 4A – 4B). Thus, Anderson fails to teach or suggest a pre-provisioned user account for a user-operated device and associating data

uploaded to a website with the unique ID of a peripheral device. Therefore, claims 61 and 62 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.

With respect to claims 63-71, the Applicants claim:

A method facilitating uploading of user data from a user-operated device, the method comprising:
receiving a transfer request from a cellular phone having a unique device ID, to transfer data to a Web site from the user-operated device;
determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account; and
if there is no user account associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device ID.

As can be seen, claim 63 references a "cellular phone having a unique device ID" and "establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device ID. As discussed above, Anderson associates digital images uploaded to a photo-sharing website with a single digital camera used to capture the digital images (Anderson, Column 10; Figure 4A-4B). Thus, Anderson fails to teach or suggest associating data uploaded to a web site with the unique device ID of a cellular telephone. Therefore, Anderson fails to teach or suggest each and every element as claimed in claims 63-71. Therefore, claims 63-71 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.


If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit
account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/3/06



Judith A. Szepesi
Reg. No. 39,393

Customer No. 08791
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300